

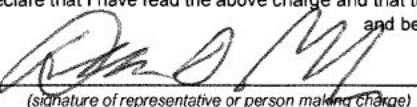
DO NOT WRITE IN THIS SPACE

Case **32-CA-175494**

Date Filed **05/04/2016**

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer The Edward J. Smith and Valerie S. Smith Family Limited Partnership d/b/a McDonald's and McDonald's USA, LLC, as Joint Employers		b. Tel. No.	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code) The Edward J. Smith and Valerie S. Smith Family Partnership d/b/a McDonald's 6623 San Pablo Avenue Oakland, CA 94608 McDonald's USA, LLC 2111 McDonald's Drive Oak Brook, IL 60523		e. Employer Representative	
		g. e-Mail	
		h. Number of workers employed 50+	
i. Type of Establishment (factory, mine, wholesaler, etc.) Fast Food Restaurant		j. Identify principal product or service Fast Food	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within six (6) months of filing this charge, Employer shut down its store located at 6623 San Pablo Avenue, Oakland, CA 94608. Such conduct interfered with, restrained, or coerced employees in the exercise of Section 7 rights. In addition, Employer discriminatorily denied transfer opportunities to employees perceived as pro-Union, and afforded such opportunities to employees regarded as unaffiliated with the Union.			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) WESTERN WORKERS ORGANIZING COMMITTEE			
4a. Address (Street and number, city, state, and ZIP code) 2530 International Blvd., Suite A Oakland, CA 94601		4b. Tel. No. (510) 712-0412	
		4c. Cell No.	
		4d. Fax No.	
		4e. e-Mail	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
6. DECLARATION		Tel. No. (213) 380-2344	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Office, if any, Cell No.	
By  (signature of representative or person making charge)		Fax No. (213) 443-5098	
Sean D. Graham, Attorney (Print/type name and title or office, if any)		e-Mail sgraham@unioncounsel.net	
Address: Weinberg, Roger & Rosenfeld 800 Wilshire Blvd., Suite 1320 Los Angeles, CA 90017		May 4, 2016 (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

REGION 32 – DOCKET SHEET (Charge Against Employer)

Case Name:	The Edward J. Smith and Valerie S. Smith Family Limited Partnership d/b/a McDonald's USA, LLC, as Joint Employers
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Method of Receipt:	Visit	Written/Mail	Electronic/Fax	E-Filed: 1-666 931 571
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IO Assisted (Circle one)	Yes / <u>No</u>
IO Inquiry # on Charge (Circle one)	Yes / <u>No</u>
IO Notes (Circle one)	Yes / <u>No</u>

Assigned to:	Supervisor	Ventola	Agent	Gomez
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Dispute Location	City	OAKLAND	State	CA
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Bargaining Status (Check One)

Existing Contract	<input checked="" type="checkbox"/>	None	
Organizational Campaign	<input type="checkbox"/>	Seeking Initial Contract	
Seeking Successor Contract	<input type="checkbox"/>		

No. of 8(a)(3) Discriminatees	
--------------------------------------	--

Include Back Pay Paragraph (Circle one) (Charging Party only)	Yes / No
Include Spanish Explanation & Assistance Paragraphs (Circle one) (Charging Party only)	Yes / <u>No</u>

IA Category (Circle one)	I / II / <u>III</u>
---------------------------------	---------------------

Possible 10(j) Case (Circle one)	Yes / No
Date & Time 10(j) Screen	9:30 May 13

Related Cases (Relate on Case Level)	N/A
--	-----

Initial if OK to Docket Amended Charge	
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Comments:	
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Section	Allegation	Applicable?
8(a)(1)	Coercive Actions (Surveillance, etc)	✓
	Coercive Rules	
	Coercive Statements (Threats, Promises of Benefits, etc.)	
	Concerted Activities (Retaliation, Discharge, Discipline) (*)	
	Denial of Access	
	Discharge of Supervisor (Parker-Robb Chevrolet)	
	Interrogation (including Polling)	
	Lawsuits	
	Weingarten	
8(a)(2)	Assistance	
	Domination	
	Unlawful Recognition	
8(a)(3)	Changes in Terms and Conditions of Employment	
	Discharge (including Layoff and Refusal to Hire (not salting)) (*)	✓
	Discipline	
	Lockout (*)	
	Refusal to Consider/Hire Applicant (salting only) (*)	
	Refusal to Hire Majority (*)	
	Refusal to Reinstatement Employee/Striker (e.g. Laidlaw) (*)	
	Retaliatory Lawsuit	
	Shutdown or Relocate/Subcontract Unit Work (*)	
	Union Security Related Actions (*)	
8(a)(4)	Changes in Terms and Conditions of Employment	
	Discharge (including Layoff and Refusal to Hire)	
	Discipline	
	Refusal to Reinstatement Employee/Striker	
	Shutdown or Relocate/Subcontract Unit Work	
8(a)(5)	Alter Ego	
	Failure to Sign Agreement	
	Refusal to Bargain/Bad Faith Bargaining (including Surface Bargaining/Direct Dealing)	
	Refusal to Furnish Information	
	Refusal to Recognize	
	Repudiation/Modification of Contract [Sec 8(d)/Unilateral Changes] (*)	
	Shutdown or Relocate (e.g. First National Maint.) Subcontract Work (*)	
8(e)	All Allegations against an Employer	

(*) May require adding the Back Pay Statement to Charging Party Letter



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315



Download
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May 4, 2016

THE EDWARD J. SMITH AND VALERIE S. SMITH
FAMILY LIMITED PARTNERSHIP D/B/A MCDONALD'S
6623 SAN PABLO AVE
OAKLAND, CA 94608-1237

MCDONALDS'S USA, LLC
2111 MCDONALD'S DR.
OAK BROOK, IL 60523

Re: **The Edward J. Smith & Valerie S. Smith
Family Limited Partnership d/b/a
McDonald's and McDonald's USA,
LLC, as Joint Employers
Case 32-CA-175494**

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Lelia Gomez whose telephone number is (510)637-3257. If this Board agent is not available, you may contact Supervisory Attorney Catherine Ventola whose telephone number is (510)637-3288.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts

and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

The Edward J. Smith & Valerie S. Smith
Family Limited Partnership d/b/a
McDonald's and McDonald's USA,
LLC, as Joint Employers
Case 32-CA-175494

- 3 -

May 4, 2016

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "George Velastegui". The signature is written in a cursive, flowing style.

George Velastegui
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

32-CA-175494

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**THE EDWARD J. SMITH & VALERIE S. SMITH
FAMILY LIMITED PARTNERSHIP D/B/A
MCDONALD'S AND MCDONALD'S USA, LLC,
AS JOINT EMPLOYERS**

Charged Party

and

**WESTERN WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 32-CA-175494

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 4, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

THE EDWARD J. SMITH AND VALERIE S. SMITH FAMILY
LIMITED PARTNERSHIP D/B/A MCDONALD'S
6623 SAN PABLO AVE
OAKLAND, CA 94608-1237

MCDONALD'S USA, LLC
2111 MCDONALD'S DR.
OAK BROOK, IL 60523

May 4, 2016

Date

Giusseppe Dizon, Designated Agent of NLRB

Name

/s/ Giusseppe Dizon

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlr.gov
Telephone: (510)637-3300
Fax: (510)637-3315



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May 4, 2016

WESTERN WORKERS ORGANIZING COMMITTEE
2530 INTERNATIONAL BLVD
OAKLAND, CA 94601-1557

**Re: The Edward J. Smith & Valerie S. Smith Family
Limited Partnership d/b/a McDonald's and
McDonald's USA, LLC, as Joint Employers
Case 32-CA-175494**

Dear Sir or Madam:

The charge that you filed in this case on May 04, 2016 has been docketed as case number 32-CA-175494. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Lelia Gomez whose telephone number is (510)637-3257. If this Board agent is not available, you may contact Supervisory Attorney Catherine Ventola whose telephone number is (510)637-3288.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely

May 4, 2016

filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

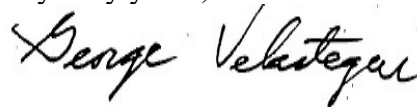
We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Qualifying for Backpay: We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,



George Velastegui
Regional Director

cc: SEAN D. GRAHAM, ATTORNEY
WEINBERG ROGER & ROSENFELD
800 WILSHIRE BLVD., SUITE 1320
LOS ANGELES, CA 90017

From: [Ventola, Catherine L.](#)
To: [Gomez, Lelia](#)
Subject: FW: McDonald's Charge filed on 5/4/16 in Region 32
Date: Thursday, May 5, 2016 11:53:23 AM

From: Jaffe, Leah Z.
Sent: Thursday, May 05, 2016 5:43 AM
To: Rence, Cynthia C. <Cynthia.Rence@nlrb.gov>; Dunham, Geoffrey <geoffrey.dunham@nlrb.gov>
Cc: Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>; Hardy-Mahoney, Valerie M. <Valerie.Hardy-Mahoney@nlrb.gov>
Subject: RE: McDonald's Charge filed on 5/4/16 in Region 32

Cindy, thanks for letting us know. I am adding DRA Geoff Dunham to your email. He is in charge of all things McDonalds. Please keep Geoff in the loop before you announce any decision in this case.

Leah Z. Jaffe
Regional Attorney
National Labor Relations Board, Region 2
26 Federal Plaza, Room 3614
New York, N.Y. 10278
(212) 264-0332
FAX (212) 264-2450
leah.jaffe@nlrb.gov

From: Rence, Cynthia C.
Sent: Wednesday, May 04, 2016 7:51 PM
To: Jaffe, Leah Z. <leah.jaffe@nlrb.gov>
Cc: Rence, Cynthia C. <Cynthia.Rence@nlrb.gov>; Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>; Hardy-Mahoney, Valerie M. <Valerie.Hardy-Mahoney@nlrb.gov>
Subject: McDonald's Charge filed on 5/4/16 in Region 32

Leah Jaffe—

Region 32 had a McDonald's charge filed and docketed today involving a facility in Oakland, California. The case name and number are:

The Edward J. Smith & Valerie S. Smith Family Limited Partnership d/b/a McDonald's and McDonald's USA, LLC, as Joint Employers, Case 32-CA-175494.

Thank you,
Cindy Rence
ARD Region 32
510 637-3293

From: [Sean D. Graham](#)
To: [Gomez, Lelia](#)
Subject: Automatic reply: 32-CA-175494, The Edward J Smith and Valerie S. Smith Family Limited Partnership d/b/a McDonald's and McDonald's USA, LLC
Date: Tuesday, May 10, 2016 4:30:43 PM

I will be out of the office on May 10-11, 2016. Please call 510-337-1001 if you need immediate assistance. Thank you.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

Agent's Direct Dial: (510) 637-3257

Sent via email

May 4, 2016

Sean D. Graham
Weinberg, Roger & Rosenfeld
800 Wilshire Blvd.
Suite 1320
Los Angeles, CA 90017

Re: The Edward J Smith and Valerie S. Smith
Family Limited Partnership d/b/a
McDonald's and McDonald's USA, LLC
32-CA-175494

Dear Mr. Graham

My name is Lelia Gomez and the Field Attorney who has been assigned to investigate the above-referenced case. Please contact me by Friday, May 6, 2016, to discuss the allegations in this charge and to schedule affidavits and the presentation of evidence in this matter. All evidence in support of your charge must be in my possession by the end of the business day on Friday, May 13, 2016. An investigation of the allegations of this charge cannot begin until such evidence has been provided to me. If your evidence is not sent to me by the due date set forth above, I will assume that you are no longer interested in pursuing this charge and I will recommend that this charge be dismissed.

Very truly yours,

/s/

LELIA M. GOMEZ
Field Attorney

From: [Sean D. Graham](#)
To: [Gomez, Lelia](#)
Subject: RE: 32-CA-175494, The Edward J Smith and Valerie S. Smith Family Limited Partnership d/b/a McDonald's and McDonald's USA, LLC
Date: Wednesday, May 11, 2016 1:18:19 AM

Hello Ms. Gomez,

Charging Party hereby withdraws the charge.

Thank you,

Sean Graham

Attorney at Law
Weinberg Roger & Rosenfeld
800 Wilshire Boulevard
Suite 1320
Los Angeles, CA 90017-2607
P: (213) 380-2344
F: (213) 443-5098

From: Gomez, Lelia [mailto:Lelia.Gomez@nrlrb.gov]
Sent: Tuesday, May 10, 2016 1:31 PM
To: Sean D. Graham
Subject: FW: 32-CA-175494, The Edward J Smith and Valerie S. Smith Family Limited Partnership d/b/a McDonald's and McDonald's USA, LLC
Importance: High

Dear Mr. Graham,

Per the attached letter dated May 4, 2016, you have failed to comply with your initial deadline to contact me by Friday, May 6, 2016 to discuss the allegations in your charge and schedule affidavits. You must contact me by 10:00 am tomorrow, May 11, 2016 to schedule affidavits for this week or else I will recommend dismissing this charge for lack of cooperation.

Please remember that per my May 4 2016 letter, you must submit all evidence in support of your charge by this Friday, May 13, 2016. If you fail to comply with this deadline, I will recommend dismissing the charge for lack of cooperation.

I look forward to hearing from you soon.

Kind regards,

Lelia M. Gomez
Field Attorney
National Labor Relations Board

Region 32
1301 Clay Street, Suite 300-N
Oakland, CA 94612-5224
Telephone: (510) 637-3257
Fax: (510) 637-3315

From: Gomez, Lelia
Sent: Wednesday, May 04, 2016 5:58 PM
To: 'sgraham@unioncounsel.net' <sgraham@unioncounsel.net>
Subject: 32-CA-175494, The Edward J Smith and Valerie S. Smith Family Limited Partnership d/b/a McDonald's and McDonald's USA, LLC

Dear Mr. Graham,

My name is Lelia Gomez and I am the Field Attorney investigating the above-referenced case. Please see the attached letter regarding your deadline for presenting all evidence in the matter. I look forward to hearing from you soon.

Kind regards,

Lelia M. Gomez
Field Attorney
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300-N
Oakland, CA 94612-5224
Telephone: (510) 637-3257
Fax: (510) 637-3315

From: [Velastegui, George P.](#)
To: [Devlin, Helen E](#)
Subject: FW: Final Processing, Non-adjusted Withdrawal in Case 32-CA-175494The Edward J. Smith & Valerie S. Smith Family Limited Partnership d/b/a McDonald's and McDonald's USA, LLC, as Joint Employers (June Case)
Date: Thursday, May 12, 2016 11:57:08 AM

I have approved the withdrawal request (unadjusted).

From: Hardy-Mahoney, Valerie M.
Sent: Thursday, May 12, 2016 8:52 AM
To: Velastegui, George P. <George.Velastegui@nrlb.gov>
Cc: Ventola, Catherine L. <Catherine.Ventola@nrlb.gov>
Subject: FW: Final Processing, Non-adjusted Withdrawal in Case 32-CA-175494The Edward J. Smith & Valerie S. Smith Family Limited Partnership d/b/a McDonald's and McDonald's USA, LLC, as Joint Employers (June Case)

Dear George:

The FIR Recommendation to Approve Withdrawal and the email Withdrawal Request are ready for your approval. Geoffrey Dunham gave his OK in an email this morning.

Val

From: Ventola, Catherine L.
Sent: Wednesday, May 11, 2016 12:40 PM
To: Hardy-Mahoney, Valerie M. <Valerie.Hardy-Mahoney@nrlb.gov>
Subject: Final Processing, W/D request, Case 32-CA-175494The Edward J. Smith & Valerie S. Smith Family Limited Partnership d/b/a McDonald's and McDonald's USA, LLC, as Joint Employers

Val,

I have sent you an approval task for the FIR recommending approval of the Union's written withdrawal request (b) (5)

(b) (5)

Thanks,
Cathy

Case Name: The Edward J. Smith & Valerie S. Smith Family Limited Partnership dba
McDonald's and McDonald's USA, LLC, as Joint Employers
Case No.: 32-CA-175494
Agent: LELIA GOMEZ, Field Attorney

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
5/4/16	Sean Graham, Charging Party Attorney	Email	I emailed Graham a letter informing him that his deadline to contact me to go over the allegations and schedule affidavits was Friday, May 6, and that his deadline to present all evidence in the case was Friday, May 13 th .
5/5/16	Leah Jaffe (Region 2 Regional Attorney)	Email	Jaffe emailed Cindy Rence to inform her that Region 2 DRA Geoff Dunham was the person who handled all things McDonald's and that he should be kept in the loop before any decision is announced in the case.
5/10/2016	Sean Graham	Email	I sent Graham an email letting him know that he failed to contact me by Friday, May 6 to discuss the allegations or schedule affidavits. I informed him that if he did not call me by 10 am tomorrow to schedule affidavits then I would recommend dismissing his charge for lack of cooperation. I also reminded him that his deadline to submit all evidence in support of his charge was this Friday, May 13, 2016 and failure to comply would also result in my recommending dismissal for lack of cooperation.
5/10/16	Sean Graham	Email	I received an out of office reply from Graham stating that he would be out of the office today and tomorrow.

Date	Person Contacted	Method of Contact	Description of Contact or Activity



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
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May 12, 2016

SEAN D. GRAHAM, Attorney
WEINBERG ROGER & ROSENFELD
800 WILSHIRE BLVD., SUITE 1320
LOS ANGELES, CA 90017

WESTERN WORKERS ORGANIZING
COMMITTEE
2530 INTERNATIONAL BLVD
OAKLAND, CA 94601-1557

Re: The Edward J. Smith & Valerie S. Smith
Family Limited Partnership d/b/a
McDonald's and McDonald's USA, LLC, as
Joint Employers
Case 32-CA-175494

Dear Gentlepersons:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink that reads "George Velastegui". The signature is written in a cursive, flowing style.

GEORGE VELASTEGUI
Regional Director

cc: MCDONALDS'S USA, LLC
2111 MCDONALD'S DR.
OAK BROOK, IL 60523

THE EDWARD J. SMITH AND
VALERIE S. SMITH FAMILY
LIMITED PARTNERSHIP D/B/A
MCDONALD'S
6623 SAN PABLO AVE
OAKLAND, CA 94608-1237

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